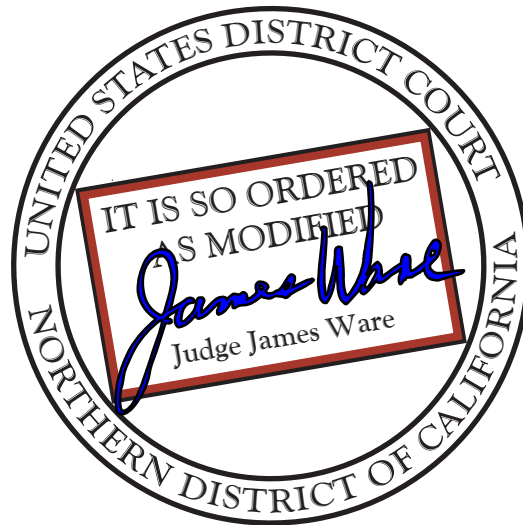


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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,)	No. 08-00938 JW
Plaintiff,)	
v.)	PARTIES' STIPULATION TO
JAMIE HARMON,)	RESCHEDULE DECEMBER 19, 2011,
Defendant.)	STATUS CONFERENCE TO FEBRUARY
)	20, 2012; PROPOSED ORDER

The United States of America and defendant Jamie Harmon, by and through their undersigned counsel, hereby submit this joint request to move the parties' status conference, currently scheduled for Monday, December 19, 2011, at 1:30 p.m. to February 20, 2012.

PARTIES JOINT STATEMENT AND STIPULATION

On September 23, 2011, the United States filed a protective Notice of Appeal of this Court's order to overturn the jury's conviction of the defendant for five counts of laundering monetary instruments. The Court of Appeals issued the following briefing schedule:

1 Thursday, December 15, 2011: Appellant's opening brief and excerpts or record shall be
2 served and filed pursuant to FRAP 32 and 9th Cir.R. 32-1

3 Monday, January 16, 2012: Appellee's answering brief and excerpts of record shall be
4 served and filed pursuant to FRAP 32 and 9th Cir.R. 32-1

5 On December 1, 2011, the United States filed a request for extension to file its opening brief
6 to January 17, 2012, because the United States is currently in the process of obtaining the
7 requisite authorization from the Office of the Solicitor General for the filing of the appeal. On
8 December 1, 2011, the Ninth Circuit Court of Appeals granted the United States' motion, and
9 revised the briefing schedule as follows:

10 Friday, January 17, 2012: Appellant's opening brief and excerpts or record shall be
11 served and filed pursuant to FRAP 32 and 9th Cir.R. 32-1

12 Thursday, February 16, 2012: Appellee's answering brief and excerpts of record shall be
13 served and filed pursuant to FRAP 32 and 9th Cir.R. 32-1

14 The optional appellant's reply brief shall be filed and served within fourteen days of service of
15 the appellee's brief, pursuant to FRAP 32 and 9th Cir.R. 32-1.

16 Therefore, the parties request the parties' December 19, 2011, status conference be
17 rescheduled to February 20, 2012.

18 The parties agree that any period of delay resulting from this interlocutory appeal shall be
19 excluded in computing the time within which trial in this matter must commence, pursuant to
20 Title 18 U.S.C. § 3161(h)(1)(C).

21
22 DATED: December 13, 2011.

Respectfully submitted,

23 MELINDA HAAG
24 United States Attorney

25 /S/

26 RICHARD C. CHENG
27 Assistant United States Attorney
28

1 DATED: December 13, 2011.

Respectfully submitted,

2 /S/

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4 EDWARD SWANSON, ESQ.
Counsel for Defendant

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1 ~~PROPOSED~~ ORDER

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3 Based upon the representation of counsel and for good cause shown, the parties' status
4 conference scheduled for December 19, 2011, at 1:30 p.m. is reschedule for February ^{27,} ~~29,~~ 2012.
5 The Court further finds that any period of delay resulting from this interlocutory appeal shall be
6 excluded in computing the time within which trial in this matter must commence, pursuant to
7 Title 18 U.S.C. § 3161(h)(1)(C).

8 IT IS ORDERED

9 DATED: December 15, 2011

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11 JAMES WARE / Chief
12 United States District Judge
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